

DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 2 OCTOBER 2020 IS IN FORCE

Sections 157(1A), 263, 264 and 268(4) of the *Corrective Services Act 2006*

On 2 October 2020 I, Peter Martin APM, Commissioner, Queensland Corrective Services, with the approval of the Minister for Police and Minister for Corrective Services, declared that an emergency exists in relation to all corrective services facilities for the period commencing on 3 October 2020 and expiring at 11:59pm on 31 December 2020 (the **Declaration**).

The Declaration was made following extensive consultation with the Chief Health Officer, Queensland Health and the State Health Emergency Coordination Centre who believed it was necessary to make the Declaration to assist in containing, or to respond to, the spread of COVID-19 within corrective services facilities and the wider community.

On 18 December 2020, following the Chief Health Officer declaration that the Northern Beaches Local Government Area of Sydney is a COVID-19 hotspot, I decided it was reasonable and necessary to preserve the security and good order of the corrective services facilities to suspend all visitor access approvals pursuant to section 157(1A) of the *Corrective Services Act 2006* for all personal visitors to a corrective services facility who had visited the LGA within the preceding 14 days or since 11 December 2020, whichever period was shorter (**Suspension Decision**). The Suspension Decision was to remain in place until further notice, for a period of up to one year.

In light of the declaration by the Chief Health Officer that the Greater Sydney area is a COVID-19 hotspot (**Greater Sydney area**) and on advice from the Chief Health Officer, I have decided it is reasonable and necessary to extend the Suspension Decision to include the suspension of access for all personal visitors to all corrective services facilities who have been in a COVID-19 hotspot in the last 14 days or since the hotspot was declared, whichever period is shorter (**the Amended Suspension Decision**).

The Amended Suspension Decision will take effect immediately on my signing of this direction and remain in place until further notice, for a period of up to one year. I confirm I have considered the following in making my Amended Suspension Decision:

- the effect of a proposed suspension on a child for whom approval has been given to accompany the visitor; and
- whether the child may, unaccompanied by an adult, visit the prisoner. The entry of any person, including children, could potentially put corrective services facilities at risk.

I further direct that while the Declaration is in force:

1. the wearing of face masks as approved personal protective equipment is mandatory for all staff when they are in contact with a prisoner who has COVID-19 symptoms, as directed by Queensland Health personnel, including when staff are escorting a symptomatic prisoner within a corrective services facility and for ESB staff whilst transporting a symptomatic prisoner outside a corrective services facility
2. the wearing of face masks as approved personal protective equipment is mandatory for all prisoners who have COVID-19 symptoms, as determined by Queensland Health personnel, when they are required to leave their cells including whilst being transported outside a corrective services facility by the ESB
3. the following QCS policies will apply to all corrective services facilities:
 - a. 'Managing new admission reception prisoners and COVID-19 isolation';

- b. 'Managing Employee Health Risks to COVID-19'; and
 - c. 'Managing Vulnerable Prisoners'.
4. A reference to the Greater Sydney area includes the following Local Government Areas: Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Sydney, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunter's Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, North Sydney, Northern Beaches, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland, The Hills, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra and Sydney Harbour (unincorporated).

These directions are made pursuant to sections 157(1A), 263(2), 264 and 268(4) of the *Corrective Services Act* (CS Act). They have been made in consultation with Queensland Health and the Chief Health Officer and in accordance with the approach taken by the Queensland Government to prevent the transmission of COVID-19.

Given the high risks to a vulnerable prison population if COVID-19 were to enter a corrective services facility, I consider that any impact on the human rights of prisoners, staff, family members or any other person as a result of these directions is demonstrably justifiable.

These directions take effect on signing of this instrument, revoking and replacing the previous directions made by me pursuant to sections 157(1A), 263(2) and 268(4) of the CS Act on 18 December 2020. These directions will remain in place until revoked or replaced by me.



Peter Martin APM
Commissioner, Queensland Corrective Services
22 December 2020